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Attorneys for Defendant biolitec, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TYCO HEALTHCARE GROUP LP d/b/a  
VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

vs.

BIOLITEC, INC., DORNIER MEDTECH  
AMERICA, INC., and NEW STAR  
LASERS, INC. d/b/a COOLTOUCH, INC.

Defendants.

Case No. C08-03129 MMC

**STIPULATION AND [PROPOSED]  
ORDER TO PERMIT COUNSEL TO  
APPEAR BY TELEPHONE AT FURTHER  
STATUS CONFERENCE SET FOR MAY  
14, 2010 AND ORDER THEREON**

**(Civil Local Rule 7-12)**

TYCO HEALTHCARE GROUP LP d/b/a  
VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

vs.

TOTAL VEIN SOLUTIONS, LLC. d/b/a  
TOTAL VEIN SYSTEMS,

Defendants.

Case No. C08-04234 MMC  
(consolidated with Case No. C08-03129 MMC)

1 WHEREAS a status conference in this case is scheduled to take place at 10:30 am on May  
2 14, 2010 (D.I. 152 ¶ 4).

3 WHEREAS lead counsel for the various defendants live and practice in various cities  
4 across the country. Lead trial counsel for defendant biolitec, Inc. ("biolitec") live and practice in  
5 Boston, Massachusetts. Lead trial counsel for defendant Dornier MedTech America, Inc.  
6 ("Dornier") live and practice in Atlanta, Georgia. Lead trial counsel for defendant New Star  
7 Lasers, Inc. d/b/a Cooltouch, Inc. ("Cooltouch") live and practice in Irvine, California. Lead trial  
8 counsel for defendant Total Vein Solutions, LLC d/b/a Total Vein Systems ("TVS") live and  
9 practice in La Jolla/San Diego, California.  
10

11 WHEREAS no motions are set for argument at the May 14 conference, and counsel  
12 believe the conference will be relatively brief and will relate to procedural matters such as case  
13 management;  
14

15 WHEREAS counsel believe the benefit of a personal appearance at the conference is  
16 outweighed by the significant expense to each of the defendants for their respective counsel to  
17 travel to San Francisco from the various cities in which each attorney practices;

18 WHEREAS biolitec's lead counsel Michael Rader cannot travel to San Francisco in mid-  
19 May for the additional reason that his wife is expecting a baby in June.

20 WHEREAS plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies  
21 ("VNUS"), by and through its counsel of record, have agreed to the request by defense counsel to  
22 appear by telephone.  
23

24 NOW THEREFORE, the parties, by and through their respective counsel of record,  
25 hereby stipulate, agree, and jointly apply to the Court for an Order in the above-entitled action  
26 permitting all counsel to appear telephonically at the May 14, 2010 status conference.  
27  
28

1 Dated: April 16, 2010

Respectfully submitted,

2 ATTORNEYS FOR DEFENDANT  
3 BIOLITEC, INC.

4  
5 By: /s/ Michael N. Rader  
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Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this stipulation from all parties whose signatures are indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ Michael N. Rader

Michael N. Rader

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: April 19, 2010

  
HON. MAXINE M. CHESNEY  
United States District Judge